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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,425	07/21/2003	Konrad Welfonder	33329US	7258

20686 7590 09/24/2004

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DENVER, CO 80202-5647

EXAMINER

LEV, BRUCE ALLEN

ART UNIT PAPER NUMBER

3634

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/624,425

Applicant(s)

WELFONDER, KONRAD

Examiner

Bruce A. Lev

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/28/03.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

BRUCE A. LEV  
PRIMARY EXAMINER

## DETAILED ACTION

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The abstract also should not resemble claim language

### *Claim Rejections - 35 USC § 112*

Claims 1-10, 15-21, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As concerns claims 1, 2, 15, and 18-21, the use of the phrases "or" and "and/or" is improper and render the claims as vague and indefinite.

As concerns claims 4 and 5, there is an inconsistency between the language in the preamble and certain portions in the body of the claims, thereby making the scope of the claims unclear. For example, the preamble clearly indicates that the subcombination of a "method for attaching fabric to a locking shoulder" is being claimed. However, the body of the claim positively recites a "support structure", e.g., "*securing the rail to a stationary support structure*", which indicates the claims as being drawn to a combination of the "method for attaching fabric to a locking shoulder" and the "support structure". Therefore, the applicant is required to clarify what the claims are intended to

be drawn to, i.e., either the “method for attaching fabric to a locking shoulder” alone or in combination with the “support structure”, and to present the claims with the language which is consistent with the invention. The applicant should note that “*adapted to be*” language may be appropriate if claiming the “method for attaching fabric to a locking shoulder” alone (i.e., “adapted to be secured to”).

As concerns claim 23, the use of the phrase “such as” is improper and renders the claim as vague and indefinite.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by ***Hoffman et al 5,647,421***.

***Hoffman et al set forth*** a rail 25 having an upper portion with an upper opening; a pair of wedge-shaped locking shoulders that point inwards; wherein the wall on a first side is “above” a wall on the other side (as illustrated). The applicant should note that “*method*” claims are not given patentable weight within “*apparatus*” claims, therefore method limitations, i.e., claim 5, are not given patentable weight when dependent upon apparatus claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over the ***British Patent of Cooper 1,191,532 in view of Hoffman et al.***

***Cooper '532 sets forth*** a rail having an upper portion with an upper opening; a pair of upper portion locking shoulders; a lower portion with a lower opening; a pair of lower portion locking shoulders; a tilted cross web (viewed as such due to the fact that it is "curved") ; a fabric; and a stiffening member. ***What Cooper '532 does not set forth*** is the shoulders being wedge-shaped and pointing inwards; and wherein the wall on a first side is "above" a wall on the other side. However, Hoffman et al teach forming a rail having shoulders being wedge-shaped and pointing inwards, and wherein the wall on a first side is "above" a wall on the other side. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rail of Cooper '532 by incorporating shoulders being wedge-shaped and pointing inwards, and wherein the wall on a first side is "above" a wall on the other side, as taught by Hoffman et al, in order to more securely removably hold the stiffening members and thereby the fabric within the rail.

Claims 4 and 6-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cooper in view of Hoffman et al further in view of Urlacher 5,127,143**.

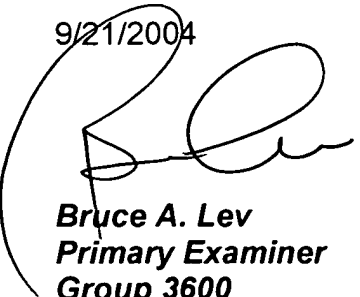
**Cooper in view of Hoffman et al set forth** the rail, as advanced above, and therefore the method for attaching thereof. **What Cooper in view of Hoffman et al do not set forth** is the method including the use of an inserting wheel. However, **Urlacher teaches** the use of an inserting wheel 80 to attach a fabric to a rail and its locking shoulders. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for attaching of Cooper in view of Hoffman et al by using an inserting wheel to push the edges of the fabric to engage the locking shoulders, as taught by Urlacher, in order to increase the speed to which the fabric covering can be created and to improve quality insurance thereof.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce A. Lev whose telephone number is (703) 308-7470.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

9/21/2004



**Bruce A. Lev**  
**Primary Examiner**  
**Group 3600**